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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,981	10/29/2004	Peter Alexander Dawes	FREEH 68914	1998

24201 7590 02/15/2006

FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER

THERKORN, ERNEST G

ART UNIT PAPER NUMBER

1723

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,981

Applicant(s)

DAWES ET AL.

Examiner

Ernest G. Therkorn

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hartigan (U.S. Patent No. 4,083,702). The claims are considered to read on Hartigan (U.S. Patent No. 4,083,702). However, if a difference exists between the claims and Hartigan (U.S. Patent No. 4,083,702), it would reside in optimizing the elements of Hartigan (U.S. Patent No. 4,083,702). It would have been obvious to optimize the elements of Hartigan (U.S. Patent No. 4,083,702) to enhance separation.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Najafabadi (U.S. Patent No. 5,938,919). At best, the claim differs from Hartigan (U.S. Patent No. 4,083,702) in reciting use of a protective sheath. Najafabadi (U.S. Patent No. 5,938,919) (column 4, lines 40-64, particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture. It would have been obvious to use a protective sheath in Hartigan (U.S. Patent No. 4,083,702) because Najafabadi (U.S. Patent No. 5,938,919) (column 4, lines 40-64,

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particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture.

Claims 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hartigan (U.S. Patent No. 4,083,702) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Najafabadi (U.S. Patent No. 5,938,919) as applied to claims 1-5 and 5, respectively above, and further in view of Anton (U.S. Patent No. 4,989,974) and Antocci (U.S. Patent Application No. 2005/0191212). The claims differ from either Hartigan (U.S. Patent No. 4,083,702) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Najafabadi (U.S. Patent No. 5,938,919) in reciting use of a frit in a double ferrule. Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection between tubes. Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing. It would have been obvious to use a frit in a double ferrule in either Hartigan (U.S. Patent No. 4,083,702) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Najafabadi (U.S. Patent No. 5,938,919) because Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection between tubes and because Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing.

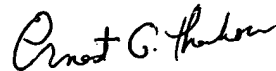
Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of either Upchurch (U.S. Patent No. 5,736,036) or Yang (U.S. Patent No. 4,483,773). At best, the claim differs from Hartigan (U.S. Patent No. 4,083,702) in reciting use of a glass lined metal tube. Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems. Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column. It would have been obvious to use a glass lined metal tube in Hartigan (U.S. Patent No. 4,083,702) either because Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems or because Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145). At best, the claim differs from Hartigan (U.S. Patent No. 4,083,702) in reciting gluing. Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position. It would have been obvious to glue in Hartigan (U.S. Patent No. 4,083,702) because Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position.

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Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT
February 10, 2006